

### **III. REMARKS**

Claims 1-22 are pending in this application. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-22 are rejected under 35 U.S.C. §103(a) as allegedly being anticipated by Chiu *et al.* (U.S. Patent No. 6,584,606 B1), hereafter “Chiu,” in view of Bassett (U.S. Patent No. 6,242,814), hereafter “Bassett.”

### **DECLARATION UNDER 35 U.S.C §103(c)**

Applicants respectfully object to the Office’s use of Chiu as a reference in its rejection under 35 U.S.C. §103(a). Specifically, the Office admits that the Chiu reference constitutes prior art only under 35 U.S.C. §102(e). Furthermore, Applicants assert that Chiu (U.S. Patent No. 6,584,606) was owned by and Application (10/602,369) was subject to an obligation of assignment to International Business Machines Corporation of Armonk, New York at the time the invention of Application 10/602,369 was made. For the above stated reasons, the above-referenced 35 U.S.C. §103(a) rejection of claims 1-22 based on the reference of Chiu is improper and should be withdrawn. Accordingly, Applicants submit that claims 1-22 are allowable and respectfully request that the Office withdraw its rejections.

#### IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,



---

Hunter E. Webb  
Reg. No.: 54,593

Date: October 16, 2006

Hoffman, Warnick & D'Alessandro LLC  
75 State Street, 14<sup>th</sup> Floor  
Albany, New York 12207  
(518) 449-0044  
(518) 449-0047 (fax)

RAD/hew